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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

In Re Bard IVC Filters Products
Liability Litigation

No. MD-15-02641-PHX-DGC

**SECOND NOTICE OF PLAINTIFF
DEBRA MULKEY'S STATUS FOR
TRIAL**

Pursuant to the Court's Order, Plaintiffs provide the following update on Plaintiff Debra Mulkey's ability to proceed with trial:

1. Plaintiff's counsel, David DeGreeff, recently spoke with both Plaintiff and Dr. Hanif's nurse. Dr. Hanif is Plaintiff's treating neurologist for her seizure-like symptoms. Her nurse passed on the following from Dr. Hanif:

- a. Plaintiff remains without a diagnosis for her ongoing seizure-like episodes and symptoms;
- b. The following testing was recently completed:
 - i. An EEG to determine if Plaintiff is having seizures;
 - ii. Requiring Plaintiff to wear an event monitor for 7 days to ascertain whether she is having heart problems; and
 - iii. Tilt table testing to determine if Plaintiff is having issues with sudden blood pressure changes.

- c. The testing was normal, yet Plaintiff continues to suffer from seizure-like episodes. As such, additional testing and/or medication is likely needed.
- d. Plaintiff is scheduled to see Dr. Hanif again in mid-August to discuss the test results, re-evaluate plaintiff's ongoing symptoms/episodes, determine whether and what additional testing is needed, and decide what medications to prescribe Plaintiff.
- e. It is important to understand Plaintiff's medical issues before subjecting her to the stress of a 3-week trial across the country, and at this point no diagnosis has been made.
- f. When a diagnosis is ultimately made, there may be additional timing issues. For example, Plaintiff's doctors may have to work with her medications over a period of time to get everything properly regulated.

2. Pursuant to CMO 34, the Court set this matter for trial beginning in February of 2019. That trial date ensures enough time is available to resolve Plaintiff's health issues and avoids a similar issue prior to the November 2018 bellwether trial. That rationale remains sound, as Plaintiff still lacks a diagnosis and continues to suffer from seizure-like episodes/symptoms. As such, plaintiff requests her case remain set to begin for trial in February of 2019. This should allow enough time to resolve all potential health concerns.

3. A separate pleading addressing the status of the *Tinlin* case and its readiness for trial will be filed by Plaintiffs' leadership for the MDL, as requested by the Court.

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1 RESPECTFULLY SUBMITTED this 20th day of July, 2018.

2 GALLAGHER & KENNEDY, P.A.

3 By: /s/ Mark S. O'Connor

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of July, 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Jessica Gallentine